

**REMARKS/ARGUMENTS**

Applicants have amended the claims as provided above to address certain issues raised by the Examiner (e.g., to indicate that hydrogen atoms are present on L<sup>1</sup> when not optionally substituted) and to focus the claims on subject matter of particular interest. No new matter is introduced and Applicants reserve the right to pursue any canceled subject matter in a continuation or divisional filing.

Applicants further provide a Supplemental IDS with the art indicated by the Examiner.

**Rejection of Claims 1-53 under 35 USC § 112, second paragraph**

Claim 1 has been amended to recite that L<sup>1</sup> is -CH<sub>2</sub>- , optionally substituted with a phenyl or a C<sub>1-8</sub> alkyl. In view of this amendment, Applicants believe the first basis of concern raised by the Examiner is moot.

The Examiner has further indicated that groups such as -NR<sup>c</sup>R<sup>d</sup> or -NR<sup>f</sup>R<sup>g</sup> , when the R groups are combined to form a ring, are unclear as the specification provides only guidance for interpretation as a morpholino ring. Applicants believe the terms would be understood by one of skill in the art as including those other heterocycles such as thiomorpholine, piperazine, pyrrolidine, piperidine and the like.

Claims 8-11, 14-17 and 51-52 stand rejected as referring to Figures in the specification. In view of the amendments provided herein, Applicants believe the concerns raised by the Examiner are moot.

**Rejection of Claims 1-16 and 18-53 under 35 USC § 112, first paragraph**

Claims 1-16 and 18-53 stand rejected under 35 USC § 112, first paragraph as allegedly lacking enablement. Applicants acknowledge and appreciate the Examiner's indication that the specification is enabling for subject matter embraced by claim 17.

As indicated by the Examiner, the subject matter considered to be enabled by the specification includes those compounds wherein the piperazine ring has no more than two substituents attached to the carbon atoms of the ring (claim 17); Ar<sup>1</sup> is phenyl, substituted with 1-3 groups such as halogen, cyano, alkyl, alkoxy, haloalkyl, haloalkoxy, carboxylate ester, alkanoyl, sulfonamide, sulfone, nitro, alkanamido, amino, alkylamino, formamido, alkoxyalkyl, alkoxyalkyloxy, alkysulfonamido, alkylthio and carboxylic acid (see claim 14 and Figures 1A and 1B recited in claim 16, from which claim 17 depends); HAr is N-linked pyrazole (also with a variety of substituents as provided in Figures 2A-2F and 3); and L<sup>1</sup> is -CH<sub>2</sub>-.

In view of the above, claim 1 has been amended to focus the invention on compounds possessing the structural features identified by the Examiner, or close variations of those features. In particular,

the subscript n is 1;

the subscript m is 0-2;

each R<sup>1</sup> is now of a limited subset of the originally filed group;

Ar<sup>1</sup> is phenyl with a further limited group of substituents;

HAr is pyrazolyl or benzopyrazolyl, linked through a ring member nitrogen atom to the remainder of the molecule and substituted with a further limited group of substituents;

L<sup>1</sup> is -CH<sub>2</sub>-, optionally substituted with phenyl or C<sub>1-8</sub> alkyl.

In view of the amendments to provide a focused core structure, Applicants respectfully request reconsideration.

**Rejection of Claim 1 under 35 USC § 102(b)**

Claim 1 stands rejected under 35 USC § 102(b) as allegedly anticipated by Vovk (reference 77 in IDS). In view of the amendment to claim 1, particularly providing L<sup>1</sup> as a -CH<sub>2</sub>- linkage, Applicants believe this rejection is moot and respectfully request reconsideration.

**Rejection of Claims 1, 2, 4, 12 and 53 under 35 USC § 102(b)**

Claims 1, 2, 4, 12 and 53 stand rejected under 35 USC § 102(b) as allegedly anticipated by Nicolai (reference 89 in IDS). In view of the amendments, particularly providing L<sup>1</sup> as a -CH<sub>2</sub>- linkage, Applicants believe this rejection is moot and respectfully request reconsideration.

**Rejection of Claims 1 and 53 under 35 USC § 102(b)**

Claims 1 and 53 stand rejected under 35 USC § 102(b) as allegedly anticipated by Bebernitz (reference 72 in IDS). In view of the amendment to claim 1, particularly providing that the pyrazole and benzopyrazole are linked to the remainder of the molecule via a nitrogen atom ring member, Applicants believe this rejection is moot and respectfully request reconsideration.

**Rejection of Claims 2, 4-8 and 10-13 under 35 USC § 103(a)**

Claims 2, 4-8 and 10-13 stand rejected under 35 USC § 103(a) as allegedly obvious over Bebernitz (reference 72 in IDS). In view of the amendment to claim 1, particularly providing that the pyrazole and benzopyrazole are linked to the remainder of the molecule via a nitrogen atom ring member, Applicants believe this rejection is moot and respectfully request reconsideration. Applicants submit that the Bebernitz references provides no teaching or

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suggestion of pursuing "N-linked" compounds as provided in newly amended claim 1 (from which the remaining compound claims depend).

Accordingly, Applicants respectfully request reconsideration.

**Rejection of Claims 1-4, 12 and 53 under 35 USC § 102(b)**

Claims 1-4, 12 and 53 stand rejected under 35 USC § 102(b) as allegedly anticipated by Fukami (U.S. Patent No. 6,043,246). In view of the amendment to claim 1, particularly providing that L<sup>1</sup> is a -CH<sub>2</sub>- moiety (optionally substituted), Applicants believe this rejection is moot and respectfully request reconsideration.

**Provisional Obviousness-type Double Patenting over Co-pending Application No.  
10/460,752**

Claims 1-53 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over claims of copending application Ser. No. 10/460,752. Applicants respectfully request that this provisional rejection be held in abeyance until claims are otherwise allowable. At such time, Applicants intend to provide a suitable Terminal Disclaimer.

Should the amendments and comments above address the Examiner's concerns, Applicants request the Examiner to contact the undersigned to provide a Terminal Disclaimer.

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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5015.

Respectfully submitted,

  
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